

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

Martin A. Kapp

Serial No. 09/934,629

Filed: August 21, 2001

For: INCOME TAX PREPARATION
SYSTEM FOR TRAVELING
TAXPAYERS

PATENTS

PETITION TO MAKE SPECIAL

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Sir:

Pursuant to 37 CFR 1.102, Applicant hereby petitions to accelerate the examination of the above application. A credit card form in the amount of \$130 is enclosed as the fee required by 37 CFR 1.17(h) §1.102. The above application presents claims directed to a single invention. Applicant hereby submits that he will make an election without traverse as a prerequisite to the grant of special status should the Office determine that all the claims presented are not obviously directed to a single invention. A pre-examination search was performed by Rosenberg, Klein & Lee, Patent Research Specialists, in the following Fields of Search: 705/8, 9, 11, 26, 32, 30, 35, 36, 45, 31, 19, 33, 38, 706/46, and 701/201. Further references were developed by the undersigned.

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Copies of the following six references deemed most closely related to the subject matter encompassed by the claims are enclosed:

<i>Buchanan</i>	6,009,408	December 28, 1999
<i>Garback</i>	5,237,499	August 17, 1993
<i>DeLorme et al.</i>	5,948,040	September 7, 1999
<i>Petrimoulx et al.</i>	H1,830	January 4, 2000
<i>Dohanich et al.</i>	5,819,249	October 6, 1998
<i>Hecht</i>	5,535,322	July 9, 1996

The following is a discussion of the above listed references which points out, with the particularity required by 37 CFR 1.111 how the claimed subject matter is distinguishable over the references.

<i>Buchanan</i>	6,009,408	December 28, 1999
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This reference is directed to automated processing of travel related expenses. Travel information processing system 10 is maintained and operated by an information processing entity, one or more customers 12 of the information processing entity can communicate with system 10 via one or more communications subsystems 14. Customer 12 may communicate with travel information processing system 10 to send and receive travel itinerary information and travel related expense information for associated travelers over a communications subsystem 14. One or more financial institutions 16 may be linked to the travel information processing system 10 and by an electronic communication subsystem 18.

One particular embodiment of the travel information processing system is illustrated in Figure 2. The travel information processing system 10 includes a controller 36, a database management system 38, a database 40 and input/output device 41, an electronic data interchange

interface 42, an interactive voice response system 43, a bar code reader 44, a report generator 45, a scanner imager 46, and an image storage device 48. Database 40 is linked to database management system 38. Database 40 can be a relational database that resides in a suitable data storage medium. Database 40 contains a plurality of profiles and data structures which may comprise a traveler profile 50, a customer profile 52, a provider profile 54, a traveler category roll set 56, an itinerary expense data structure 58, and an incurred expense data structure 60. These profiles and data structures can contain information that can be used by the travel information processing system 10 to process travel related expenses for customer 12.

Computer systems associated with the Internal Revenue Service 28 can be linked with the travel information processing system 10 by a suitable communication subsystem 30. IRS system 28 collects information supporting tax returns from customers 12. Because the taxable income of a particular customer may often be reduced by the amount of travel related expenses incurred by travelers associated with customer, customers 12 may request that receipt information kept in travel information processing system 10 be sent to IRS system 28. Report generator 45 may organize the expense reports in various formats, including by customer, by traveler, or by travel itinerary.

The instant invention includes additional features not found in this reference. These features include the following: 1) the storage and application of travel itineraries; 2) the maintenance of city-related per diem rates; and 3) the ability to calculate input for and prepare individual tax returns for this information based upon simplified user inputs.

The claimed subject matter relating to these distinguishing features is described in Claims 1 and 12 with the relevant clauses underlined:

1. A system for determining travel deductions for taxpayers who stay overnight in cities remote from their homes as part of their employment, comprising:
 - a city rate table identifying allowed per diem expense rates for a given tax year for
 - a plurality of cities as identified by a city code;
 - means for inputting and maintaining data in said table
 - means for inputting cities visited and durations of stay for a taxpayer;
 - means for inputting expense reimbursements received from the taxpayer's employer;
 - means for calculating a total of all per diem expenses based upon the per diem
 - table and the input cities and number of days of stay in said cities;
 - means for offsetting the reimbursements against said total to determine an
 - incidental expense allowance.

12. A system for determining travel deductions for taxpayers who stay overnight in locations remote from their homes as part of their employment as described in Claim 2, in which the means for inputting remote travel locations visited and durations of stay for a taxpayer further comprises:
 - a ship location table, said ship location table including city rate codes for each day
 - of a tax year for a plurality of ship name codes;
 - means for inputting names of ships on which a taxpayer has worked and starting
 - and ending dates for work on each of said ships; and

means for determining locations and durations of stay for the taxpayer based upon the ship location table and the input ship names and starting and ending dates for work on each of said ships.

The features described by these clauses are not found in the *Buchanan* '408 patent.

Garback

5,237,499

August 17, 1993

This reference is directed to a computer travel planning system. A computer based system for processing travel request directed to a specific venue from individual members of a sponsored group is provided. The system comprises a database containing a venue file including information regarding the specific venue, a group member file for each individual member of the group, a travel policy file containing information on pre-selected vendors of various travel services, and a city code file containing codes corresponding to a plurality of city airport locations. The database includes a travel policy file that contains information on pre-selected airline carriers, pre-selected room accommodation providers, and pre-selected ground transportation providers.

Group member data file is provided for each individual member of the sponsoring organization. The group member file contains personal preference information known about the group member. The individual group member initiates the process of travel selection by filling out a screen 71 which will format an electronic travel request. Screen 71 includes an employee identification code window 72, an individual venue or meeting code window 73, departure and destination city windows 74, 77, departure and return date and time windows 75, 76, 78, 79, a hotel request window 80 a car rental request window 81, special request windows 82, 83, a ticket delivery date window 84 and a verification window 85. Additional pop-up menus (not

illustrated) are available to assist the user with decoding city and airport names, and selecting preferred hotel and car vendors.

The instant invention includes several features not found in *Garback*. As such, it should be patentable over this reference. These features include the following: 1) the storage and application of travel itineraries; 2) the maintenance of city-related per diem rates; and 3) the ability to calculate input for and prepare individual tax returns for this information based upon simplified user inputs. The claimed subject matter relating to these distinguishing features is described in the clauses of Claims 1 and 12, *supra*, is not found in the *Garback* '499 patent.

DeLorme et al.

5,948,040

September 7, 1999

This reference is directed to a travel reservation information and planning system. Menus generated by this system enable flexible user inquiries accessing selectable geographic, topical, temporal and transactional data records and relational processing. Some menus provide further capabilities: e.g., routing, topical searching, searches of event calendars, almanacs, appointment books, related itinerary schedule, trip budgeting issues, and travel arrangement availabilities for other goods/services offers. An online computer aided routing system enables input of selectable travel origin, destination, and waypoints to compute travel route, available transportation services, costs, options, and schedules. The system provides the capability to determine the mode or modes of travel required to reach each destination, make the reservations associated with the travel, find the accommodations and activities available, plus take advantage of diverse, special offers for goods and services from participating providers.

Variable sequences of the travel reservation and information system relational database operations, and resultant presentations are further enabled by means of TEMPORAL RELATION 705 and/or ACCOUNTING/TRANSACTIONAL RELATION 707. Columns in the

TEMPORAL RELATION 705 provide for ranges of date/time specifications with further categorization or typing of the kind of temporal event, e.g., hours of operation, coupon, season, vacancy, meeting, etc. and an itinerary dated column for entry of user input for selections with respect to travel scheduling issues (e.g., users estimated arrival at destination, the date/time sought or confirmed for a reservation, ticket or other special offer, appointments or scheduled events of interest, etc.). The columns in the ACCOUNTING/TRANSACTIONAL RELATION 707 provide for the key I.D., GOODS/SERVICES classification or hierarchies, destination of the GOODS/SERVICES PROVIDER and availability of reservations with special offers, inventory of COUPONS which are typically special price or extra service offers posted by the travel reservation and information system participating providers.

The present invention includes several features not found in *DeLorme et al.*, as such, it should be patentable over this reference. These features include the following: 1) the maintenance of city-related per diem rates; and 2) the ability to calculate input for and prepare individual tax returns for this information based upon simplified user inputs. The claimed subject matter relating to these distinguishing features is described in the clauses of Claim 1, *supra*, is not found in the *DeLorme et al.* '040 patent.

Petrimoulx et al.

H1,830

January 4, 2000

This reference is directed to a system for use-tax determination. The system relates to computer implemented tax preparation and tax submission accounting, and the system is directed to providing a system that enables use-tax accrual and determination. The system provides a machine for use-tax determination which has: (A) transaction record acquisitional logic for acquiring transaction information characterizing purchases of goods and services and generating transaction records; (B) use-tax logic; and (C) tax rate acquisition logic for acquiring tax

jurisdiction codes, at least one inclusive accounting group registry respective to taxes, and tax information respective to the tax jurisdiction codes for plurality of state jurisdictions, and generating a data schema with data elements describing the inclusive accounting group registry, tax jurisdiction codes, and tax information.

Accounting group registry is a fundamental accounting cost object that uniquely distinguishes the tax, accounting and business enterprise relevance of money related to a particular transaction or other event for purposes of reporting, accounting, and archival. Business enterprise database 103 is a general data schema holding individual entries (records of events including orders, sales, acquisitions, receipts, purchases, inventory changes, etc.) in the ongoing process of a business enterprise entity's activities.

Business enterprise database 103 receives data from business enterprise function programs 105 and may also be a source of data for other programs (computer executed logical processes relating to orders, sales, acquisitions, receipts, purchases, inventory changes, etc. used in the general operations executed to read, calculate, reorganize and write data) which are used in the ongoing processing of a business enterprise's activities. Some programs in business enterprise function programs 105 function to transfer certain records in business enterprise database 103 into accounting entries which have relevance in the characterization of operations respective to cost control, corporate performance reporting, and tax return preparation.

As discussed above, the present invention includes several features not found in this reference. While this reference relates to a tax preparation system, it is focused on use-tax issues and return preparation and does not incorporate the travel-related features of the instant invention. In particular, 1) the storage and application of travel itineraries; 2) the maintenance of city-related per diem rates; and 3) the ability to calculate input for and prepare individual tax

returns for this information based upon simplified user inputs. The claimed subject matter relating to these distinguishing features is described in the clauses of Claims 1 and 12, *supra*, is not found in the *Petrimoulx et al.* '830 patent.

Dohanich et al. 5,819,249 October 6, 1998

This reference is directed to a tax coding expert system. The expert system includes a database, an expert knowledge interface and an inference engine wherein the inference engine includes an inquiry sequence comprising a sequence of invariant inquiries, and at least one pointer to a location in storage. The expert knowledge interface includes at least one data storage matrix which is accessible on the basis of responses to the inquiry sequence, and wherein the pointer is accessed in response to return of data of the first type accessed from said data storage matrix.

In order to understand the complexity of a body of expert information to which this system may be applied, it should be understood, for example, sales tax and use tax laws in the United States are extremely complex and this complexity is increased by the variation of such laws among numerous jurisdictional levels at which they may be applied. Applicability may also be affected by point of delivery or required shipping (e.g., interstate shipment or shipment to or from a foreign country) and the use to which goods are to be put. On the other hand, the existence of tax consequences attendant upon a purchase of goods and a determination of what the tax consequences may be (e.g., the applicable tax rate and the jurisdiction to which the tax must be paid) are often determinable on the basis of a relatively few pieces of information unless a condition exception to the determination is applicable.

Expert knowledge interface also includes a further storage matrix 122 of dates and the tax rates applicable therein. This further matrix would include breakdowns for jurisdictions within

the state where different tax rates may apply, any difference in tax rates within a jurisdiction (e.g., for particular uses or categories of goods or differences as to methods of delivery), and the like and must be updated as tax rates or rules of applicability are changed in each jurisdiction.

This tax preparation system, while incorporating some of the functional features of the present invention, is focused on sales and use taxes for differing jurisdictions and thus lacks the travel-related features of the instant invention. These features include 1) the storage and application of travel itineraries; 2) the maintenance of city-related per diem rates; and 3) the ability to calculate input for and prepare individual tax returns for this information based upon simplified user inputs. The claimed subject matter relating to these distinguishing features is described in the clauses of Claims 1 and 12, *supra*, is not found in the *Dohanich et al.* '249 patent.

Hecht

5,535,322

July 9, 1996

This reference is directed to a data processing system with an improved workflow system and method. A work flow manager or process manager is the software to manage and control the flow of work items from one function to the next in a well defined application process to achieve the complete processing of those work items. Applications of workflow managers include the processing of imaged or multimedia documents such as health and other insurance forms, filmless radiology, IRS tax submissions, and FBI fingerprint and voice identification. The system uses an application specific state transition diagram, which defines the application process to be managed. The state transition diagram can capture conditional workflow.

The system uses centralized control software to manage a work in process manager to manage the states of all work items. The system has a work queue manager to manage work items for the application process services. This system fills the service specific work queues

with work items such that a work queue for a service can feed multiple copies of that service, and contents of work queues are resilient to the failure or nonavailability of the services they feed.

An illustrative workflow manager application is for an IRS document processing system. Document processing system workflow involves the scanning, data capturing, data perfecting, and image archiving of paper IRS tax submissions. The document processing system converts submissions from paper to image, and then from image to ASCII tax data records. After validating the data records with IRS provided software, which performs interfield addition checks among other things, the document processing system attempts to post a validated tax data record to an external system called CAPS (CORPORATE ACCOUNTS PROCESSING SYSTEMS).

A successful post means that the transaction to add the validated tax data record to the taxed account of the taxpayer succeeded. Figure 1 shows various workers roles. The production control monitor is the name of a worker role that oversees pipeline production and runs a daily production meeting. System support worker roles include the system administrator, security administrator, and database administrator.

While this system provides some of the task ordering and completion acknowledgment features of the present invention, it lacks several features found in the instant invention. In particular, it lacks 1) the task difficulty; 2) worker capability ranking and 3) relational assignment system of the present invention. The claimed subject matter discussed above is described in Claim 22, illustrated below with the relevant clauses underlined.

22. A system for determining travel deductions for taxpayers who stay overnight in locations remote from their homes as part of their employment as described in Claim 1, further comprising:

means for identifying all tasks associated with the preparation of a tax return;

means for identifying all results associated with the performance of said tasks;

means for linking said results to a subsequent task;

means for determining the skill level of a tax preparation worker required to
complete each task;

means for identifying the skill level of each tax preparation worker;

means for assigning each uncompleted task to workers of the required skill level;

means for indicating which worker will work on each task; and

means for indicating completion of each task for removal from the system.

The features described by these clauses are not found in the *Hecht* '322 patent.

Based on the above analysis of the pre-examination search and discussion of the features of the instant invention, Applicant requests that the examination of the above application be accelerated.

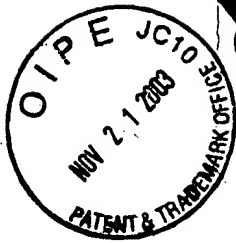
Respectfully submitted,

BELASCO JACOBS & TOWNSLEY, LLP

Dated: November 19, 2003

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Applicant: Martin A. Kapp
Serial No.: 09/934,629
Filed: August 21, 2001
Docket: 02-359-B

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Donna Miller Date: 11-19-03
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